

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,

*Plaintiff,*

v.

MASIMO CORPORATION and SOUND  
UNITED, LLC,

*Defendants.*

C.A. No. 22-1377-JLH

C.A. No. 22-1378-JLH

MASIMO CORPORATION and SOUND  
UNITED, LLC, and CERCACOR  
LABORATORIES, INC.

*Counterclaimants,*

v.

APPLE INC.

*Counter-Defendant.*

**NOTICE OF SUBSEQUENT AUTHORITY**

Pursuant to L.R. 7.1.2(b), defendants and counterclaimants Masimo Corporation (“Masimo Corp.”), Sound United, LLC (“Sound United”), and Cercacor Laboratories, Inc. (“Cercacor”) (collectively, “Masimo”), in the above captioned cases, respectfully submit as subsequent authority the attached Petitions for *Inter Partes* Review (“IPR”). This supplemental authority bears on the parties’ pending claim construction arguments.

On December 12, 2023, the statutory cutoff date, Apple filed a series of petitions for IPR of the Asserted Masimo Patents.

<b>IPR No.</b>	<b>Asserted Masimo Patent</b>
IPR2024-00241 (Ex. A)	U.S. Patent No. 10,687,743 (the “’743 Patent”)
IPR2024-00242 (Ex. B)	The ’743 Patent
IPR2024-00243 (Ex. C)	U.S. Patent No. 10,722,159 (the “’159 Patent”)
IPR2024-00244 (Ex. D)	The ’159 Patent
IPR2024-00290 (Ex. E)	U.S. Patent No. 8,190,223 (the “’223 Patent”)
IPR2024-00293 (Ex. F)	U.S. Patent No. 10,736,507 (the “’507 Patent”)
IPR2024-00294 (Ex. G)	The ’507 Patent
IPR2024-00296 (Ex. H)	U.S. Patent No. 10,984,911 (the “’911 Patent”)

In each of the IPR petitions, Apple took the position that no claim terms needed construction. Ex. A at 7; Ex. B at 7; Ex. C at 4-5; Ex. D at 5; Ex. E at 3; Ex. F at 2-3; Ex. G at 3; Ex. H at 7-8.

Before this Court, Apple proposed claim constructions for claim terms recited by the claims of the ’223, ’507, and ’911 patents. C.A. No. 22-1378, Dkt. 169 at 1-3 (’223 Patent disputed claim terms), 3-8 (’507 Patent disputed claim terms), 8-10 (’911 Patent disputed claim terms). Masimo respectfully submits that Apple’s IPR positions are relevant to the claim constructions of the disputed claim terms of the ’223, ’507, and ’911 Patents.

Dated: February 2, 2024

PHILLIPS MCLAUGHLIN & HALL, P.A.

/s/ John C. Phillips, Jr.

John C. Phillips, Jr. (#110)

Megan C. Haney (#5016)

1200 North Broom Street

Wilmington, Delaware 19806

(302) 655-4200

jcp@pmhdelaw.com

mch@pmhdelaw.com

*Attorneys for Defendants*